

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1360

Introduced by Assembly Member Steinberg

February 21, 2003

An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Steinberg. Environmental quality: environmental indicators.

Existing law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency (Cal/EPA) in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

This bill would require the ~~Cal/EPA~~ *Office of Environmental Health Hazard Assessment (OEHHA)*, in consultation with the office of the Secretary for Environmental Protection, and other boards and departments in the Cal/EPA, beginning on July 1, 2004, and, to the

extent that ~~funding is available~~ *funds are appropriated by the Legislature*, to develop and maintain a system of environmental indicators that meets specified objectives. *The bill would define the term “environmental indicator”.* The bill would require the ~~Cal/EPA~~ *OEHHA* to periodically assess the ability of the environmental indicators system to meet each of those objectives and the ability of the system to support the development and implementation of the agencywide environmental justice strategy. The bill would require the ~~Cal/EPA~~ *OEHHA* to submit a report on those environmental indicators to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter.

The bill would require the ~~Office of Environmental Health Hazard Assessment (OEHHA)~~ *OEHHA* to be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The bill would require the *OEHHA* to consult with other state agencies, as specified. The bill would also require the *OEHHA* to lead an intra-agency workgroup consisting of representatives from each board, department, and office within the ~~Cal/EPA~~. The *OEHHA* would be required to consult with that intra-agency workgroup regarding various activities.

~~The bill would require the Secretary for Environmental Protection to appoint an external advisory group that would be required to advise and develop recommendations for the secretary and the intra-agency workgroup.~~

The bill would state the Legislature’s intent that the Secretary for Environmental Protection, in consultation with other specified entities, use environmental indicators in the development of budget proposals, and require budget change proposals to indicate how the proposals would affect specified environmental indicators.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the
- 2 following:
- 3 (a) Traditionally, many of California’s environmental
- 4 programs have assessed their performance using measures of
- 5 activity, including, for example, the number of permits granted;

1 ~~notices of violation issued,~~ or regulatory standards adopted.
2 Addressing the complex environmental challenges of the 21st
3 century will require new approaches that rely on better
4 information ~~about our environment~~ *from objective and*
5 *scientifically based indicators of environmental improvement.*
6 Over the years, substantial efforts have been devoted toward this
7 end, yet historically there have been very few meaningful,
8 objective measures with which to determine the environmental
9 impacts of these efforts.

10 (b) The California Environmental Protection Agency has made
11 a commitment to move away from measures of activity, and
12 instead focus on measurable environmental results to judge
13 program performance. To support this commitment, the California
14 Environmental Protection Agency established the Environmental
15 Protection Indicators for California (EPIC) Project in 2000, and
16 charged EPIC with developing and maintaining a comprehensive
17 set of environmental indicators, which are scientific
18 measurements of environmental conditions and trends. To ensure
19 that the development of indicators was based on sound science, the
20 California Environmental Protection Agency designated its Office
21 of Environmental Health Hazard Assessment to lead the effort.
22 The California Environmental Protection Agency, working in
23 partnership with the Resources Agency and in cooperation with
24 the Department of Health Services, released a report containing
25 the initial set of 84 environmental indicators in April 2002.

26 (c) ~~Environmental~~ *Objective and scientifically based*
27 *environmental* indicators improve our understanding of the
28 environment and how human activities and other factors can
29 influence it. The indicators establish a scientific basis for
30 evaluating the effectiveness of environmental programs and
31 identifying the need for specific actions to improve environmental
32 conditions throughout the state and the disproportionate impact on
33 low-income communities and communities of color. Decisions to
34 create, modify, or eliminate California Environmental Protection
35 Agency policies and programs need to be driven by information
36 reflected by environmental indicators; and, to the extent feasible,
37 budget decisions should include a reference as to how the proposed
38 change is intended to impact a relevant environmental indicator.

39 (d) To ensure the credibility and relevance of the *objective and*
40 *scientifically based* environmental indicators, input into the

1 selection, development, and use of these indicators needs to be
2 sought from a ~~broad range of stakeholders, including the~~
3 ~~Legislature, local government, academia, the regulated~~
4 ~~community, nongovernmental organizations, and other groups~~
5 ~~with an interest in environmental issues.~~ *qualified scientific body*
6 *with expertise in environmental and public health protection.*

7 SEC. 2. Chapter 4 (commencing with Section 71080) is added
8 to Part 2 of Division 34 of the Public Resources Code, to read:

9
10 CHAPTER 4. ENVIRONMENTAL PROTECTION INDICATORS FOR
11 CALIFORNIA
12

13 71080. (a) Beginning on July 1, 2004, to the extent that
14 ~~funding is available for this purpose, the California Environmental~~
15 ~~Protection Agency shall develop and maintain a system of funds~~
16 ~~are appropriated by the Legislature for this purpose, the office, in~~
17 ~~consultation with the office of the secretary and other boards and~~
18 ~~departments in the agency, shall develop and maintain a system of~~
19 environmental indicators. The ~~agency office~~ shall develop and
20 maintain the system to meet all of the following objectives for
21 using environmental indicators:

22 (1) Provide policymakers and the public with an improved
23 understanding of the ~~health of the state's environment~~ *condition of*
24 *the state's environment and the effects of the release of*
25 *contaminants on public health.*

26 (2) Evaluate the effectiveness of the agency's programs in
27 improving environmental quality and protecting public health
28 throughout the state, including environmental quality and public
29 health in low-income communities and communities of color.

30 (3) ~~Guide~~ *Assist in* the development and modification of
31 agency programs, plans, and policies as environmental conditions
32 change over time.

33 (4) Guide the agency in making budget decisions that address
34 the most immediate environmental concerns.

35 (b) The following definitions apply to this section:

36 (1) "Agency" means the California Environmental Protection
37 Agency.

38 (2) "Environmental indicator" means ~~a~~ *an objective and*
39 *scientifically based measure that represents information on*

1 environmental conditions, releases of contaminants into the
2 environment, or the effects of those releases.

3 (3) “Office” means the Office of Environmental Health
4 Hazard Assessment.

5 (4) “Secretary means the Secretary for Environmental
6 Protection.

7 (c) ~~The agency~~ *The office* shall submit a report on the
8 environmental indicators developed pursuant to this chapter to the
9 Governor and the Legislature on or before January 1, 2006, and by
10 January 1 every two years thereafter. The report shall include a
11 discussion as to the manner in which the environmental indicators
12 are being used by the agency to meet the objectives set forth in
13 subdivision (a). The office shall make the report available to the
14 public on its Web site. The office shall include on its Web site any
15 additional relevant information in support of those environmental
16 indicators and shall update that information posted on the Web site
17 as new information becomes available.

18 (d) (1) *It is the intent of the Legislature that the secretary, in*
19 *conjunction with the constituent boards, departments, and offices*
20 *in the agency, and in consultation with the Secretary of the*
21 *Resources Agency and the State Department of Health Services,*
22 *use environmental indicators, where applicable, in the*
23 *development of budget proposals for the 2004–05 fiscal year and*
24 *subsequent fiscal years.*

25 (2) *Any budget change proposal submitted to the Legislature*
26 *shall describe how the proposals affect any applicable “Tier 1”*
27 *environmental indicator. To the extent that a budget change*
28 *proposal relates to a “Tier 2” or “Tier 3” environmental indicator,*
29 *the budget change proposal shall reference what data collection*
30 *and further analysis is needed before the environmental status or*
31 *trend that is the subject of the indicator can be presented.*

32 (e) The office shall be the lead agency for developing new
33 environmental indicators, for modifying, deleting, and updating
34 existing environmental indicators, and for developing and
35 maintaining an environmental indicator database. The office shall
36 lead an intra-agency workgroup, consisting of representatives
37 from each of the boards, departments, and offices within the
38 agency. The office shall consult with the intra-agency workgroup
39 in developing and maintaining the environmental indicators,
40 program planning, policy formulation, and other decisionmaking

processes, and in drafting the report required under subdivision (c).

~~(e)~~

(f) In developing and maintaining the environmental indicators, the office shall consult with the Resources Agency, the State Department of Health Services, and other state agencies as appropriate.

~~(f)~~

(g) The office may utilize information for indicators that is not collected by other boards and departments within the agency and may identify and establish new indicators.

~~(g) The secretary for the agency shall appoint an external advisory group consisting of representatives from local government, the Legislature, academia, the regulated community, nongovernmental organizations, and other groups with an interest in environmental issues. The external advisory group shall perform the following functions:~~

~~(1) Develop recommendations for the secretary and the intra-agency workgroup for incorporating the environmental indicators into program planning, policy formulation, and other decisionmaking processes.~~

~~(2) Advise the secretary and the intra-agency workgroup on the expansion and maintenance of the environmental indicator system, including the development of new environmental indicators and the modification, deletion, and updating of existing environmental indicators.~~

~~(3) Act as external advisers and reviewers of the report required in subdivision (e).~~

(h) *The office shall consult with the scientific review panel established pursuant to Article 5 (commencing with Section 39670) of Chapter 3.5 of Part 2 of Division 26 of the Health and Safety Code in establishing, updating, and evaluating environmental indicators.*

~~(h) The agency~~

(i) *The office shall periodically assess the ability of the environmental indicators system to meet each of the objectives cited in subdivision (a) and the ability of the system to support the*

1 development and implementation of the agencywide
2 environmental justice strategy pursuant to Section 71113.

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